

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cv387**

U.S. COMMODITY FUTURES TRADING COMMISSION)	
)	
)	
Plaintiff,)	
)	
v.)	<u>O R D E R</u>
)	
CAPITAL STREET FINANCIAL, LLC, SEAN F. MSCALL)	
)	
)	
Defendants,)	
)	
and)	
)	
GERALD T. MSCALL, and GAINCAPITAL, INC.,)	
)	
Relief Defendants)	
)	

THIS MATTER is before the Court on the Motion for Disbursement of Funds, titled *Receiver's Motion to Make Distribution of Assets and to Establish Distribution Amounts with Notice of Motion with 10 day Objection Limit* (Doc. No. 71), filed by Joseph W. Grier, III, the receiver in this action. The Court, having reviewed the Motion and the record in this case, and finding that notice of the Motion was appropriate and there being no responses filed thereto, has determined that the Motion should be allowed.

IT IS, THEREFORE, ORDERED that:

1. the Receiver is authorized to make distributions to Investors in the cumulative amount of \$265,468.68;
2. the Receiver is authorized to make distributions to individual Investors in the

Distribution Amounts set forth on the attached Exhibit A; and

3. the Receiver is authorized to make a distribution to the allowed Administrative
Claimant in the amount of \$11 ,759.60.

Signed: December 30, 2010

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
Chief United States District Judge



INVESTOR DISTRIBUTION AMOUNT**EXHIBIT A**

			Amount to Distribute
			265,468.68
Claim No.	Customer Account Number	Allowed Claim and Amount	Distribution Amount
Ab	74497	\$ 14,050.00	\$3,135.25
N.Ax	10877543	\$ 120,000.00	\$26,777.90
R.Ax	1057894	\$ 120,000.00	\$26,777.90
Ban	Acct no. given was Capital Street checking account no	\$ 10,000.00	\$2,231.49
Bar	1121217	\$ 26,649.42	\$5,946.80
Be	10113861	\$ 10,000.00	\$2,231.49
Bu	none given	\$ 1,000.00	\$223.15
Cara	99941	\$ 5,654.21	\$1,261.73
Can-	none given	\$ 45,000.00	\$10,041.71
Cat	8886747	\$ 10,000.00	\$2,231.49
Ch	998713	\$ 9,705.00	\$2,165.66
Cl	none given	\$ 1,000.00	\$223.15
Cr	10071176 10151187	\$	\$0.00
ep	1045678	\$ 1,000.00	\$223.15
Der	10071176	\$ 1,000.00	\$223.15
Dy	1057894	\$ 2,000.00	\$446.30
F	none given	\$ 1,300.00	\$290.09
Gar	40704	\$ 5,000.00	\$1,115.75
Gav	1994714	\$ 2,000.00	\$446.30
GiJ	1199796	\$ 2,500.00	\$557.87
Gif	none given	\$ 6,324.76	\$1,411.37
GI	none given	\$ 5,000.00	\$1,115.75
Ham	none given	\$ 5,000.00	\$1,115.75
Harde	none given	\$ 5,000.00	\$1,115.75
Hardi	Acct no. given was Capital Street checking account no	\$ 2,500.00	\$557.87
Hay	10113874 1784125 1143084	\$ 79,000.00	\$17,628.79
Herg	2747450	\$ 2,000.00	\$446.30
Herr	10258613	\$ 7,000.00	\$1,562.04
Hert	10113874	\$ 30,000.00	\$6,694.48
Je	2747410	\$ 2,500.00	\$557.87
Joh	169929305	\$ 10,000.00	\$2,231.49
E.Jo	none given	\$ 2,000.00	\$446.30
L.Jo	none given	\$ 6,000.00	\$1,338.90
K	1045788	\$ 30,000.00	\$6,694.48
La	1098441	\$ 95,000.00	\$21,199.17

INVESTOR DISTRIBUTION AMOUNT**EXHIBIT A**

Claim No.	Customer Account Number	Allowed Claim and Amount	Distribution Amount
Lo	none given	\$ 5,000.00	\$ 1,115.75
Mah	80904	\$ 2,500.00	\$ 557.87
Mas	none given	\$ 4,500.00	\$ 1,004.17
May	none given	\$ 5,000.00	\$ 1,115.75
Mc	none given	\$ 10,000.00	\$ 2,231.49
J. M	4244445	\$ 12,000.00	\$ 2,677.79
N. M	none given	\$ 1,000.00	\$ 223.15
Mo	1004987	\$ 45,000.00	\$ 10,041.71
O	10917143	\$ 10,000.00	\$ 2,231.49
Ra	11041031	\$ 25,000.00	\$ 5,578.73
Re	none given	\$ 10,000.00	\$ 2,231.49
P.Rog	none given	\$ 5,000.00	\$ 1,115.75
R. Rog	1045278	\$ 2,600.00	\$ 580.19
D. Rol	none given	\$ 1,500.00	\$ 334.72
G. Rol	none given	\$ 6,000.00	\$ 1,338.90
Rom Family Trust	10091176	\$ 138,000.00	\$ 30,794.59
D.Rom	none given	\$ 29,182.87	\$ 6,512.13
D&M Rom	10071176	\$ 7,269.27	\$ 1,622.13
Rot	none given	\$ 5,000.00	\$ 1,115.75
Sa	1057894	\$ 6,000.00	\$ 1,338.90
Scha	10071176	\$ 13,000.00	\$ 2,900.94
Schw	2299411	\$ 53,000.00	\$ 11,826.91
Sh	none given	\$ 2,500.00	\$ 557.87
Sm	177437	\$ 4,000.00	\$ 892.60
St	none given	\$ 5,000.00	\$ 1,115.75
Va	none given	\$ 15,411.00	\$ 3,438.95
We	none given	\$ 68,500.00	\$ 15,285.72
Wi	none given	\$ 10,000.00	\$ 2,231.49
Z	1069814	\$ 12,500.00	\$ 2,789.37
Total		\$ 1,189,646.53	\$ 265,468.68